

**MINUTES
FREMONT CITY COUNCIL REGULAR MEETING
FEBRUARY 24, 2009
FREMONT CITY HALL
7:00 P.M.**

1. PRELIMINARY

1.1 Call to Order: Mayor Wasserman called the meeting to order.

1.2 Flag Salute: Councilmember Wieckowski led the salute to the flag.

1.3 Roll Call: Present: Mayor Wasserman, Vice Mayor Natarajan, Councilmembers: Wieckowski, Harrison, and Chan.

1.4 Announcements by Mayor/City Manager

2. CONSENT CALENDAR

- * **2.1 Waive Reading of Ordinances:** The City Attorney read the titles of ordinances to be considered.

On a motion by Councilmember Harrison, seconded by Councilmember Wieckowski, the City Council waived further readings of proposed ordinances.

Ayes:	Mayor Wasserman, Vice Mayor Natarajan, Councilmembers: Wieckowski, Harrison and Chan
Noes:	None
Absent:	None
Abstain:	None

- * **2.2 Approval of Minutes – None.**

- * **2.3 Mayor Wasserman opened consideration of the Second Reading and Adoption of an Ordinance of the City of Fremont Rezoning Property Located at the Northeast Corner of Hastings Street and Capitol Avenue from Central Business District (C-B-D) to Planned District (P-2008-177)**

On a motion by Councilmember Harrison, seconded by Councilmember Wieckowski, the City Council adopted Ordinance No. 6-2009.

Ayes:	Mayor Wasserman, Vice Mayor Natarajan, Councilmembers: Wieckowski, Harrison and Chan
Noes:	None
Absent:	None
Abstain:	None

*** 2.4 Mayor Wasserman opened consideration of the Authorization of the City Manager or Designee to Execute a Contract Amendment With “First 5 Alameda County” in the Amount of \$24,844 for a Total of \$174,844, and Appropriate An Additional \$24,844 for FY 2008/09**

On a motion by Councilmember Harrison, seconded by Councilmember Wieckowski, the City Council authorized the City Manager or designee to execute a contract amendment with First 5 Alameda County to increase the existing contract by \$24,844, for a total of \$174,844, and to appropriate an additional \$24,844 for FY 2008-09 to account 1705337.

Ayes: Mayor Wasserman, Vice Mayor Natarajan,
Councilmembers: Wieckowski, Harrison and Chan
Noes: None
Absent: None
Abstain: None

*** 2.5 Mayor Wasserman opened consideration of the Approval of Plans and Specifications and Award of Contract for the Intersection Improvement Project at Fremont Boulevard and Nicolet Avenue (City Project No. 8637 PWC)**

On a motion by Councilmember Harrison, seconded by Councilmember Wieckowski, the City Council approved the plans and specifications, accepted the bid and awarded the construction contract for the Intersection Improvement Project at Fremont Boulevard and Nicolet Avenue (City Project No. 8637 PWC) to Suarez & Munoz Construction in the amount of \$322,456, and authorized the City Manager or his designee to execute the contract.

Ayes: Mayor Wasserman, Vice Mayor Natarajan,
Councilmembers: Wieckowski, Harrison and Chan
Noes: None
Absent: None
Abstain: None

*** 2.6 Mayor Wasserman opened consideration of the Approval of Plans and Specifications and Award of Contract for the Mowry Avenue Arterial Management Project (PWC 8589)**

On a motion by Councilmember Harrison, seconded by Councilmember Wieckowski, the City Council approved the plans and specifications, accepted the bid and awarded the construction contract for the Mowry Avenue Arterial Management Project (PWC 8589) to Richard A. Heaps Electrical Contractor, Inc., in the amount of \$271,925, and authorized the City Manager or his designee to execute the contract.

Ayes: Mayor Wasserman, Vice Mayor Natarajan,
Councilmembers: Wieckowski, Harrison and Chan
Noes: None
Absent: None

Abstain: None

*** 2.7 Mayor Wasserman opened consideration of the Approval of Plans and Specifications and Award of Contract for the Traffic Signal Modification Project at Mowry Avenue and Civic Center Drive (City Project No. 8593 PWC)**

On a motion by Councilmember Harrison, seconded by Councilmember Wieckowski, the City Council approved the plans and specifications, accepted the bid and awarded the construction contract for the Traffic Signal Modification at Mowry Avenue and Civic Center Drive (City Project No. 8593 PWC) to Wingard Engineering Inc., in the amount of \$113,632, and authorized the City Manager or his designee to execute the contract.

Ayes: Mayor Wasserman, Vice Mayor Natarajan,
Councilmembers: Wieckowski, Harrison and Chan
Noes: None
Absent: None
Abstain: None

*** 2.8 Mayor Wasserman opened consideration of a Public Hearing (Published Notice) to Consider a Finding to Increase the Height for a Portion of the Training Tower from the Allowed 45 Feet to Approximately 61 Feet for the Proposed City of Fremont Fire Department Tactical Training Center Generally Located Near the Intersection of Stevenson Boulevard and Eureka Drive in the Industrial Planning Area**

On a motion by Councilmember Wieckowski, seconded by Councilmember Harrison, the City Council:

1. Held a public hearing.
2. Found that the Mitigated Negative Declaration and Mitigation Monitoring Plan (Exhibit "A") prepared for this project has been completed in compliance with the requirements of CEQA and reflects the independent judgment of the City, and that approval of this project, as mitigated, will not have any significant impact on the area's resources, cumulative or otherwise, and adopted the Mitigated Negative Declaration and Mitigation Monitoring Plan.
3. Found that the proposed project is in conformance with the relevant provisions of the City's General Plan. These provisions include the designations, goals, objectives and policies set forth in the General Plan's Health and Safety Chapter as enumerated within the staff report.
4. Adopted a motion approving PLN2008-00263 for an increase in height to approximately 61 feet for the Fire Tactical Training Center as shown on Exhibit "A" of the report, based on the following findings:
 - a. The increase in height will not be detrimental to the area streets, sewer lines and/ or other public services or to the lighting, air quality, or privacy of any other properties in the vicinity of the project site because existing infrastructure and facilities adjacent to the project site would adequately serve the proposed project. The proposed project would not measurably impact traffic operations in the area and street improvements to the Stevenson Boulevard frontage are required and will conform to City ordinances as

standard requirements of building permit issuance. Both buildings are located on the site to meet or exceed the minimum setback requirements of the P-F Public Facility District and the tall tower element is over two hundred feet from the nearest building in the vicinity of the project.

- b. In order to accommodate a use, unique building requirements have been imposed which require an increase in the building height over the height specified under district regulations. Technical rescue training includes advanced rescue techniques performed above ground and on building sides, as well as rappelling to the ground from a minimum height of 50 feet. To meet rescue training certification, the deck of the top floor must be at or above the 50 foot height; the proposed design includes a shade structure above that height for a total height of 61 feet. The shade structure provides a more protected and comfortable work environment during training.

Ayes: Mayor Wasserman, Vice Mayor Natarajan,
Councilmembers: Wieckowski, Harrison and Chan
Noes: None
Absent: None
Abstain: None

3. CEREMONIAL ITEMS – None.

4. PUBLIC COMMUNICATIONS

4.1 Oral and Written Communications

City Manager Fred Diaz read a letter from the A's announcing their decision to discontinue their efforts to relocate the ballpark to Fremont.

Nancy Beardsley, Devi Rao, and Fremont Citizens Network Members Jim Hunt, Kathy McDonald, Susan Wang, and Deepak Alur expressed concern related to public comments made about Fremont citizens protesting the A's Ballpark Village project. Jon Takei expressed a desire for transparency and clarification regarding the process for any future development on the land near the Pacific Commons Shopping Center. Prabhu Loganathan expressed a desire for developing a plan for future development for the property located near the future Warm Springs BART Station. Ravi Pathman expressed support for placing a ballpark stadium on the ballot.

5. SCHEDULED ITEMS – None.

6. REPORT FROM CITY ATTORNEY

6.1 Mayor Wasserman opened consideration of a Report Out from Closed Session of Any Final Action – None.

7. OTHER BUSINESS – None.

8. COUNCIL COMMUNICATIONS

8.1 Council Referrals – None.

8.2 Oral Reports on Meetings and Events – None.

9. ADJOURNMENT: There being no further business, Mayor Wasserman adjourned the meeting at 7:28 p.m.

Attest:

Approved:

Dawn G. Abrahamson, City Clerk

BOB WASSERMAN, Mayor